

**REMARKS**

This Reply and Amendment is intended to be completely responsive to the non-final Office Action dated March 8, 2005. Claims 1-14, 19-23 and 25-38 are pending in this Application and stand rejected. Claims 1, 19, 22-23, 27-36 and 38 have been amended. Claims 21, 25 and 26 have been cancelled without prejudice to future prosecution on the merits.

**Claim Rejections – 35 U.S.C. § 112 ¶ 2**

In Section 3 of the Detailed Action, the Examiner rejected Claims 19, 23 and 25-30 as being indefinite under 35 U.S.C. § 112 ¶ 2.

**Claim 19**

Dependent Claim 19 has been amended for clarity to recite a “cargo” device.

**Claim 23**

The Examiner stated “the term ‘configured’ is a relative term which renders the claim indefinite” and the “term is not defined by the claim” and “the specification does not provide a standard for ascertaining the requisite degree.” Dependent Claim 23 has been amended to recite the “support member further comprises a utility-carrying portion to permit passage of an electrical conductor.” The Applicant respectfully submits that support for the amendment is provided in the Specification at (among others) paragraph 0031.

**Claim 25**

The Examiner stated “the term ‘cargo’ is a relative term which renders the claim indefinite.” The Applicant respectfully submits that the term “cargo” is defined by way of example to include any one or more of the items listed in paragraph 0030 of the Specification and the term “cargo” is not indefinite under 35 U.S.C. § 112 ¶ 2. The Applicant has cancelled dependent Claim 25 without prejudice to further prosecution on the merits.

Claim 26

The Examiner stated “the limitation ‘the support member is adapted to be coupled to a rear seat in the vehicle’ is indefinite since it is unclear what structure or structures the support member could be to meet this function.” The Applicant respectfully submits that the Specification at (among others) paragraph 0021, lines 15-17 recites sufficient structure for a person of ordinary skill in the art to accomplish the function and that Claim 26 is not indefinite under 35 U.S.C. § 112 ¶ 2. The Applicant has cancelled dependent Claim 26 without prejudice to further prosecution on the merits.

Claim 27

The Examiner stated “the limitation ‘at least one support column having a first end configured for coupling to an interior overhead portion of the vehicle and a second end configured for coupling to a floor portion of the vehicle’ is indefinite since it is unclear what structure or structures the support column ends could be to meet this function.” The Applicant respectfully submits that the Specification at (among others) paragraph 0021, lines 3-5, 7-9 and 17-20 recites sufficient structure for a person of ordinary skill in the art to accomplish the function and that Claim 27 is not indefinite under 35 U.S.C. § 112 ¶ 2. The Applicant has amended independent Claim 27 to recite a combination of subject matter that the Applicant believes is not shown, taught or suggested by the cited references.

Accordingly, the Applicant believes that the rejections under 35 U.S.C. § 112 ¶ 2 have been overcome and respectfully requests reconsideration and allowance of Claims 19, 23 and 27, and Claims 28-30 as they depend from independent Claim 27.

**Claim Rejections – 35 U.S.C. § 102(b)**

In Section 5 of the Detailed Action, the Examiner rejected independent Claims 1, 27, 31 and 36 under 35 U.S.C. § 102(b) in view of WO 00/76809 (“Ferman”).

Ferman discloses a “vehicle mounted load carrier (1) of the type which is fastened across a door, hatch (2) or the like” with a “cycle carrier [11 that], like the frame, is U-shaped and constructed of tubing and is fixed to the arms 7, 8 near its base section by means of fixing screws with a spacer 13 of known type, having recesses for the tubes for the purpose of locking the parts in relation to each other when the knobs are tightened” (see Abstract and page 4, lines 14-18).

#### Independent Claim 1

Independent Claim 1 is in independent form. Independent Claim 1 (as amended) recites a combination of subject matter comprising, in combination with other elements, a “positioner coupled to the support member and the cargo device for adjusting a position of the cargo device axially along the support member.” A “positioner” as required by Claim 1 (as amended) is not disclosed, taught or suggested by Ferman. Accordingly, the Applicant submits independent Claim 1 (as amended) is patentable under 35 U.S.C. § 102(b) and respectfully requests reconsideration and allowance of Claims 1-14, 19-20 and 22-23.

#### Independent Claim 27

Independent Claim 27 is in independent form. Independent Claim 27 (as amended) recites a combination of subject matter comprising, in combination with other elements, an “adjustment device comprising at least one hub coupled to the cargo holder and having a slot configured to engage a locking member movable within the slot to alternatively position the cargo holder in a usage position and a stowed position.” An “adjustment device” as required by Claim 27 (as amended) is not disclosed, taught or suggested by Ferman. Accordingly, the Applicant submits independent Claim 27 (as amended) is patentable under 35 U.S.C. § 102(b) and respectfully requests reconsideration and allowance of Claims 27-30.

Independent Claim 31

Independent Claim 31 is in independent form. Independent Claim 31 (as amended) recites a combination of subject matter comprising, in combination with other elements, an “adjustment device coupled to the support member and the cargo holder for movement of the cargo holder between a stowed position, a usage position and a release position, the adjustment device comprising at least one hub member with a slot having at least one detent formed therein and a locking member movable within the slot between the released position and the stowed position and receivable within the detent when the cargo holder is in the usage position.” An “adjustment device” as required by Claim 31 (as amended) is not disclosed, taught or suggested by Ferman. Accordingly, the Applicant submits independent Claim 31 (as amended) is patentable under 35 U.S.C. § 102(b) and respectfully requests reconsideration and allowance of Claims 31-35.

Independent Claim 36

Independent Claim 36 is in independent form. Independent Claim 36 (as amended) recites a combination of subject matter comprising, in combination with other elements, an “adjustment device comprising pivotable hub members movably engaging a locking member to lock the cargo holder in a use position and to unlock the cargo holder in a release position so that the cargo holder is movable to a stowed position.” An “adjustment device” as required by Claim 36 (as amended) is not disclosed, taught or suggested by Ferman. Accordingly, the Applicant submits independent Claim 36 (as amended) is patentable under 35 U.S.C. § 102(b) and respectfully requests reconsideration and allowance of Claims 36-38.

**Claim Rejections – 35 U.S.C. § 103(a)**

In Section 7 of the Detailed Action, the Examiner rejected dependent Claims 9-12 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Ferman and Goodness.

Dependent Claims 9-12 depend from independent Claim 1 (as amended). Independent Claim 1 now recites a combination of subject matter that the Applicant believes is patentable in view of the cited references. Accordingly, the Applicant respectfully submits that the rejection under 35 U.S.C. § 103(a) has been overcome and requests reconsideration and allowance of dependent Claims 9-12.

Dependent Claim 35 depends from independent Claim 31 (as amended). Independent Claim 31 now recites a combination of subject matter that the Applicant believes is patentable in view of the cited references. Accordingly, the Applicant respectfully submits that the rejection under 35 U.S.C. § 103(a) has been overcome and requests reconsideration and allowance of dependent Claim 35.

The Applicant respectfully submits that each and every outstanding objection and rejection to the pending claims has been overcome, and the Application is in condition for allowance. Claims 1, 19, 22-23, 27-36 and 38 have been amended. Claims 8, 21, 25 and 26 have been cancelled without prejudice to future prosecution on the merits. The Applicant respectfully requests reconsideration and allowance of Claims 1-14, 19-20, 22-23 and 27-38 that are now pending.

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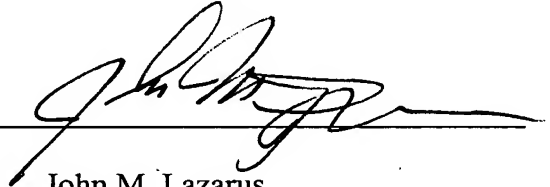
The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date MAY 6, 2005

By



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